



7-25-00

CPA/3723/1

PATENT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Bernard T. Varnau : Paper No:
Serial No. 09/316,876 : Group Art Unit: 3723
Filed: May 21, 1999 : Primary Examiner: L. Wilson

For: **FLEXIBLE HYDRAULIC VISE**

BOX CPA
ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

CONTINUED PROSECUTION APPLICATION (CPA)
(37 C.F.R. § 1.53(d))

Dear Sir:

1. This is a request for the filing of a

- ☒ continuation
☐ divisional

continued prosecution application under 37 C.F.R. § 1.53(d) of the above-identified prior nonprovisional application.

CERTIFICATE OF EXPRESS MAILExpress Mail Number TB775351467USDate of Deposit July 24, 2000

I hereby certify that, on the date shown below, this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 in an envelope addressed to the Assistant Commissioner for Patents and Trademarks, Washington, D.C. 20231.

Signature

Typed or Printed Name Erica Teegarden

RECEIVED
JUL 28 2000
TECHNOLOGY CENTER 3700

It is further requested that this continued prosecution application utilize the file jacket and contents of the prior application, including the specification, drawings, and oath or declaration from the prior application, to constitute this new application, and that the application number of the above-identified prior application be assigned for identification purposes. 37 C.F.R. § 1.53(d)(2)(iv).

It is also requested that the above-identified prior application be expressly abandoned as of the filing date accorded this continued prosecution application. 37 C.F.R. § 1.53(d)(2)(v).

2. With respect to the above-identified prior nonprovisional application, this continued prosecution application is being filed:

- A. ☐ before the earliest of the:
- ☐ termination of the proceedings on the prior application (37 C.F.R. § 1.53(d)(1)(ii)(C)).
 - ☐ payment of the issue fee on the prior application (37 C.F.R. § 1.53(d)(1)(ii)(A)).
 - ☒ abandonment of the prior application (37 C.F.R. § 1.53(d)(1)(ii)(B)).
- B. ☐ after the payment of the issue fee -- but a petition under § 1.313(b)(5) has been granted in the prior application. 37 C.F.R. § 1.53(d)(1)(ii)(A).
- C. The term for response or taking action in the prior application expires on July 23, 2000.
- ☒ An extension of time in the prior application is:
 - ☒ filed concurrently in the prior application.
 - ☐ has been filed on _____.

3. It is noted that:

- This application discloses and claims only subject matter disclosed in the prior application. 37 C.F.R. § 1.53(d)(2)(ii).
- Filing of this continued prosecution application is to be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. § 122, to the extent that any member of the public, who is entitled under the provisions of § 1.14 to access to, copies of, or information concerning, either the prior application or any continuing application filed under the provisions of 37 C.F.R. § 1.53(d), may be given similar access to, copies of or similar information concerning the other application or applications in the file jacket. 37 C.F.R. § 1.53(d)(6).

- Filing of this request is the specific reference required by 35 U.S.C. § 120 to every application assigned the application number identified in this request. No amendment in this application may delete this specific reference to any prior application. 37 C.F.R. §§ 1.53(d)(7) and 1.78(a)(2).
4. This continued prosecution application names as inventors:
- ☒ the same inventors named in the prior application on the date this continued prosecution application under 37 C.F.R. § 1.53(d)(2)(iii) is being filed.
 - ☐ fewer than all the inventors named in the prior application. 37 C.F.R. § 1.53(d)(4).
 - ☐ Please delete the following name(s) as inventor(s), who are not inventors(s) of the invention being claimed in this new application.

 - ☐ Please add the following name(s) as inventors:

 - ☐ A petition under § 1.48 is attached.
5. Attached hereto is an amendment to the prior application as it existed prior to the filing of this continuation prosecution application.
- ☐ Please enter in this CPA application the unentered amendment under 37 C.F.R. § 1.116 filed in the prior application.
 - ☐ Please enter the attached Preliminary Amendment.
6. Information Disclosure Statement
- ☐ Enclosed is an Information Disclosure Statement in accordance with the requirements of 37 C.F.R. § 1.98.
7. Fee Calculation

A. Regular Application

CLAIMS AS FILED						
	No. Filed			No. Extra	Rate	
Basic Fee						345.00
Total Claims		-	20		x 18.00	
Independent Claims		-	3		x 78.00	
Multiple Claims					260.00	0.00

TOTAL	\$345.00
--------------	-----------------

- ☐ An amendment canceling extra claims is enclosed.
- ☐ An amendment deleting multiple-dependencies is enclosed.
- ☐ The fee for extra claims is not being paid at this time.

Filing Fee Calculation \$345.00

- B. ☐ Design Application
(\$310.00 - 37 C.F.R. § 1.16(f))

Filing Fee Calculation \$

- C. ☐ Plant Application
(\$480.00 - 37 C.F.R. § 1.16(g))

Filing Fee Calculation \$

8. Small Entity Statement(s)

- ☐ Statement(s) that this is a filing by a small entity under 37 C.F.R. §§ 1.9 and 1.27 is(are) attached.
- ☒ Status as a small entity was claimed in prior application , from which 09/316,876 , filed on May 21, 1999 , from which benefit is being claimed for this application under:
35 U.S.C. § ☐ 119(e)
☐ 120,
☐ 121,
☐ 365(c),
and which status as a small entity is still proper and desired.
- ☒ A copy of the statement in the prior application is included.

Filing Fee Calculation of A, B, or C above) \$

9. Fee Payment Being Made at This Time

- ☒ Not Enclosed
 - ☒ No filing fee is to be paid at this time.
 - ☒ Applicant hereby revokes the general authorization to pay fees filed in the prior nonprovisional application of which this is a CPA.
- ☐ Enclosed

- ☐ Filing Fee \$ _____
- ☐ Recording Assignment
(\$40.00 - 37 C.F.R. § 1.21(h))
See attached "Cover Sheet For
Assignment Accompanying
New Application" \$ _____
- ☐ Petition fee for filing by other than
all of the inventors or person on
behalf of the inventor where inventor
refused to sign or cannot be reached
(\$130.00 - 37 C.F.R. §§ 1.47 and 1.17(I)) \$ _____
- Total Fees Enclosed \$ -0-

10. Method of Payment of Fees

- ☐ Check in the amount of \$ _____.
- ☐ Charge Deposit Account No. 06-2226 in the amount of \$ _____.
A duplicate of this transmittal is attached.

11. Change of Correspondence Address Since Filing of Parent Application

[complete the following if applicable]

Since this filing is a ☐ continuation ☐ divisional there is attached hereto a
Change of Correspondence Address so that there will be no question as to where the
PTO should direct all correspondence.

Respectfully submitted,



Edwin R. Acheson, Jr.

Registration No. 31,808
Attorney for Applicant(s)

FROST & JACOBS LLP
2500 PNC Center
201 East Fifth Street
Cincinnati, Ohio 45202
(513) 651-6708